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**CERTIFICATE OF MAIL (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on JAN 22 2002

Signed: Laura Hulac

Laura Hulac

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

HERNDON et al

Art Unit: 2651

Serial No. 09/896,006

Examiner: Not Yet Assigned

Filed: June 28, 2001

Attorney Docket No.: 8032988/JAS

For: **RESONANT SHIFTING AND REDUCTION  
OF MODAL DISPLACEMENT FOR  
IMPROVED ACOUSTICS**

**PETITION UNDER 37 CFR 1.47 TO  
WAIVE SIGNATURE OF INVENTOR  
FRANCOIS MENOUD**

RECEIVED

FEB 22 2002

OFFICE OF PETITIONS

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

We have made a number of efforts to contact Mr. Menoud, all at addresses provided by his employer and assigner of the application. None were returned, and therefore, presumably were received.

He replied to our one request, and sent us the original assignment, but not the declaration. The only available conclusion is that he will not cooperate.

Therefore, we ask that his signature be waived.

Respectfully submitted,

By:

James A. Sheridan  
James A. Sheridan, Reg. No. 25,435

MOSER, PATTERSON & SHERIDAN, LLP  
4149 El Camino Way, Suite B  
Palo Alto, California 94306-4036  
Telephone: (650) 320-0000  
Facsimile: (650) 320-0099

Farah Zafar

---

From: Farah Zafar [Fzafar@tmplaw.com]  
Sent: Thursday, August 23, 2001 9:16 AM  
To: f.menoud@iems.ch  
Subject: FEB 12 2002 SEA 2988  
Contact: Seagate-FRANCOIS MENOUD



Mr. Menoud,

We sent out a Declaration and Assignment for the above mentioned on July 20, 2001. We requested execution of these documents and then returned to us by August 10, 2001.

If there is anything we can do to speed up this process, please contact us. We will be more than happy to help. Thank you.

Best of regards, Farah

Farah Zafar  
THOMASON, MOSER AND PATTERSON, LLP  
4149 El Camino Way, Suite B  
Palo Alto, CA 94306  
fzafar@tmplaw.com  
Phone: (650)320-0000  
Fax: (650)320-0099

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FEB 22 2002

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Farah Zafar

From: Farah Zafar [Fzafar@tmplaw.com]  
Sent: Thursday, July 19, 2001 2:40 PM  
To: MENOUD@ALTAVISTA.net  
Subject: SEA 2988/Formal Papers

Sensitivity: Confidential



Assignment.doc



Declaration.doc

Mr. Menoud,

I attached the wrong Declaration and Assignment in my earlier communication. Please discard them. Here is the correct Declaration and Assignment. Please execute them as indicated earlier. If possible, please send us your new address and other contact information. Thank you and we look forward to the return of these documents. Regards, Farah

Farah Zafar  
THOMASON, MOSER AND PATTERSON, LLP  
4149 El Camino Way, Suite B  
Palo Alto, CA 94306  
fzafar@tmplaw.com  
Phone: (650) 320-0000  
Fax: (650) 320-0099

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**Farah Zafar**

---

**From:** Farah Zafar [Fzafar@tmplaw.com]  
**Sent:** Thursday, July 19, 2001 2:24 PM  
**To:** MENOUD@ALTAVISTA.net  
**Subject:** SEA 2988-Formal Papers to be signed



Assignment  
Inventors.doc



DECLARATION FOR  
PATENT APPLICA...

Gentleman,

Attached is the Assignment and Declaration for the above referenced. We need a Notary's signature on the Assignment, however, I believe in France The French Consulate General is used for this purpose. Please execute these documents and then return them to us via first class mail.

Please acknowledge the receipt of this e-mail. I can send you a hard copy if you need me to do so. I will need your address and telephone number. You may contact me at the telephone number below should any questions arise. Thank you! Regards, Farah

Farah Zafar  
THOMASON, MOSER AND PATTERSON, LLP  
4149 El Camino Way, Suite B  
Palo Alto, CA 94306  
fzafar@tmplaw.com  
Phone: (650) 320-0000  
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Tina Hall

From:  
Sent:  
To:  
Subject:



Troy.M.Herndon@seagate.com  
Tuesday, June 05, 2001 4:58 PM  
thall@tmplaw.com  
Re: SEA 2988; The attachments are included on this one.



SEA\_2988-01  
pat app.doc



Assignment.doc Declaration.doc



Hello,

Mr. Sheridan already faxed me SEA 2988 patent application yesterday. I have reviewed it and let him know that the patent write-up was done well and needed no changes.

As far as the Assignment and Declaration, I have printed them out and will sign, notarize, fax, and mail the originals as soon as possible. The one question I have is what I do with the other two inventors? Both have already left the company for other jobs. They no longer work for Seagate. Should I just leave their spaces blank where their signatures are required?

*Response at 4:15 PM*  
*Yes.*

"Tina Hall" <thall@tmplaw.com> on 06/05/2001 01:27:02 PM

Please respond to thall@tmplaw.com

To: "Troy M. Herndon" <Troy.M.Herndon@seagate.com>,  
Tan.H.Pham@seagate.com, Francois.Menoud@seagate.com  
cc:

Subject: SEA 2988; The attachments are included on this one.

Attached for your review is a draft of the subject patent application. Please review the application to ensure that it is accurate and complete in its descriptions, that it sets forth sufficient detail to enable those skilled in the art to make and use the invention, and that it discloses the best known mode of practicing the invention, i.e., the preferred way of making and using the invention.

Please immediately respond with a return e-mail including your fax number and the drawings will be faxed to you.

After you have reviewed the specification and drawings, please call my office by the end of the week with any necessary changes. After receiving your comments and making the appropriate revisions, the final application will be prepared for filing.

Also, please sign and date the attached Declaration and Assignment (the Assignment before a Notary Public) and return them to my Office by fax for filing with the application. The originals may be returned by first class mail at your convenience.

Thank you and I look forward to your comments.

James A. Sheridan  
Sent by Tina R. Hall  
Thomason, Moser & Patterson, LLP  
Ph.: (650) 320-0000  
Fax: (650) 320-0099  
E-Mail: thall@tmplaw.com

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This transmission contains information from the law firm of Thomason, Moser & Patterson LLP which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission.

Tina R. Hall  
Thomason, Moser & Patterson, LLP  
Ph.: (650) 320-0000  
Fax: (650) 320-0099  
E-Mail: thall@tmplaw.com

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(See attached file: SEA\_2988.01 pat app.doc)  
(See attached file: Assignment.doc)  
(See attached file: Declaration.doc)

**Tina Hall**

---

**To:**  
**Subject:**

Troy M. Herndon; Tan.H.Pham@Seagate.com; Francois.Menoud@Seagate.com  
SEA 2988

Attached for your review is a draft of the subject patent application. Please review the application to ensure that it is accurate and complete in its descriptions, that it sets forth sufficient detail to enable those skilled in the art to make and use the invention, and that it discloses the best known mode of practicing the invention, i.e., the preferred way of making and using the invention.

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Thank you and I look forward to your comments.

James A. Sheridan  
Sent by Tina R. Hall  
Thomason, Moser & Patterson, LLP  
Ph.: (650) 320-0000  
Fax: (650) 320-0099  
E-Mail: thall@tmplaw.com

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**Laura Hulac**

---

**From:** Laura Hulac [lhulac@mpsllp.com]  
**Sent:** Monday, December 03, 2001 3:42 PM  
**To:** menoud@altavista.net  
**Subject:** Declaration and Assignment

I have mailed an original Declaration and Assignment to you for your review and signature. Please return these documents to us by December 13, 2001, for filing with the U.S. Patent Office.

Thank you.

Laura